IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20622 of 2004

Between:

G.R.K. Reddy, E-80221, Driver, S/o. GPV Reddy,
Ibrahimpatnam Depot, R/o. Ibrahimpatnam,
Vijayawada, Krishna District.

..... PETITIONER

AND

1. The Regional Manager, A.P.S.R.T.C. Krishna District at Vijayawada.
2 The Depot Manager, APSRTC Ibrahimpatnam Depot, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents herein in issuing the proc. No. E1/369(1)/2004-IBM, DT.11-10-2004 by ordering recovery of the 12 years stagnation increment paid as early as in the year 1991 as illegal, contrary to the law laid down, and as such liable to be set aside in the interest of justice holding that irrespective of his transfer from the date of initial appointment he is entitled get his seniority and 12 years Stagnation increment and to pay the arrears by refixing the pay of the petitioner.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court made the following :

HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20622 of 2004

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ORDER:

Petitioner is working as a driver in the respondent-Corporation. He was appointed on 17-01-1979 and has been continuously working since then. The petitioner was granted stagnation increments in the year 1991 and he has drawn the amount due to him towards the stagnation increment. Before completion of the period of 12 years, the petitioner was transferred from Khammam Division to Krishna Division. On account of the transfer of the petitioner, the respondents observed that he did not complete 12 years of continuous service in Krishna Division, therefore, he is not entitled for stagnation increment. Accordingly, the respondents issued proceedings dated 11-10-2004, ordering recovery of amount of Rs.26,064/- being the amount paid to the petitioner towards the amount payable for the stagnation increment. Therefore, the petitioner approached this Court, seeking to declare that the order of the respondents-Corporation, dated 11-10-2004 ordering the recovery of 12 years stagnation increment paid earlier to the petitioner as illegal and arbitrary.

2. It is an undisputed fact that the petitioner worked for more than 12 years in the respondent-corporation but he was initially appointed in Khammam

region and before completing the period of 12 years of service, he was transferred to Krishna region. But on account of the judgment of a Division Bench of this Court in W.A.No.1301 of 2000, the period of service shall be treated as continuous service irrespective of the transfer of the petitioner from one region to another region. On application of the principle laid down by this Court in the above judgment, the petitioner was rightly granted stagnation increments. Therefore, the impugned order is liable to be set aside.

3 . In the result, the writ petition is allowed. The order of the 2nd respondent dated 11-10-2004 directing recovery of Rs.26,064/- from the petitioner towards the amount drawn by him as a stagnation increment is set aside. The recovery if any made may be refunded to the petitioner.

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November 9, 2004.

KVR

To

1. The Regional Manager, A.P.S.R.T.C. Krishna District at Vijayawada.
2 The Depot Manager, APSRTC Ibrahimpatnam Depot, Krishna District.

3 Two C.D.Copies.